

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Wassim Abedrabbo	Team: Squad #9	CCRB Case #: 201902442	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 07/23/2018 6:27 PM	Location of Incident: [REDACTED]	Precinct: 75	18 Mo. SOL 1/23/2020	EO SOL 1/23/2020	
Date/Time CV Reported Sun, 03/10/2019 12:01 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 03/20/2019 11:03 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POF Lori Reynolds	05752	963713	PSA 2
2. POM Erick Garcia	27814	954849	PSA 2

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Darek Krala	01482	936887	PSA 2
2. POM Jean Eveillard	15561	948943	PSA 2

Officer(s)	Allegation	Investigator Recommendation
A.POM Erick Garcia	Force: Police Officer Erick Garcia used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B.POF Lori Reynolds	Force: Police Officer Lori Reynolds used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
C.POM Erick Garcia	Discourtesy: Police Officer Erick Garcia spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
D.POM Erick Garcia	Off. Language: Police Officer Erick Garcia made remarks to § 87(2)(b) [REDACTED] based upon her gender.	[REDACTED]

Case Summary

On March 10, 2019, § 87(2)(b) filed this complaint with IAB on the behalf of herself and her daughter, § 87(2)(b). On March 20, 2019, the complaint was received at the CCRB under log number 19-9919.

On July 23, 2018, at approximately 6:27 p.m., § 87(2)(b) called 911 to her home, § 87(2)(b) in Brooklyn, after she and § 87(2)(b) had a dispute. Upon the arrival of Police Officer Erick Garcia and Police Officer Lori Reynolds, both of PSA 2, they took her to the ground and held her there until they placed her in handcuffs (**Allegations A and B: Force – Physical Force**, § 87(2)(g)).

As the officers were exiting the apartment, § 87(2)(b) told them that what they did to her daughter was wrong. In response, PO Garcia allegedly said, “Fuck you bitch” (**Allegation C: Discourtesy – Word**, § 87(2)(g)). § 87(2)(g) (**Allegation D: Offensive Language – Gender**, § 87(2)(g)).

§ 87(2)(b) was arrested for § 87(2)(b) as a result of this incident; however, the case has since been resolved. Video footage was not obtained in relation to this investigation.

Findings and Recommendations

Allegation (A) Force: Police Officer Erick Garcia used physical force against § 87(2)(b)

Allegation (B) Force: Police Officer Lori Reynolds used physical force against § 87(2)(b)

It is undisputed that § 87(2)(b) called 911 to report that § 87(2)(b) damaged her property inside the incident location, and that officers arrived and arrested § 87(2)(b) for § 87(2)(b). When PO Garcia and PO Reynolds attempted to place § 87(2)(b) in handcuffs, she refused by “pulling away” from the officers. Additionally, it is undisputed that after the struggle went to the ground, § 87(2)(b) attempted to push the officers and stand up off the ground.

§ 87(2)(b) did not cooperate with this investigation.

§ 87(2)(b) stated that after § 87(2)(b) pulled away from the officers, they both grabbed hold of her and “swung” her to the ground (**Board Review 01**). She was not able to provide additional detail as to how that occurred. After taking § 87(2)(b) to the ground, PO Garcia pressed his palm over the side of her head, over one ear, and pushed her head against the floor. PO Reynolds straddled § 87(2)(b) while she was on the floor and held her to the ground (**Board Review 02**). On the ground, § 87(2)(b) continued to attempt to escape from the officers by moving her arms and upper body.

PO Garcia and PO Reynolds both stated that they did not forcibly take § 87(2)(b) to the ground. After the officers decided to place § 87(2)(b) under arrest, PO Reynolds put a handcuff on one of her wrists. In response, § 87(2)(b) dropped her entire body to the ground, pulling PO Reynolds to the ground because she was holding onto the handcuff. While on the ground, § 87(2)(b) attempted to crawl under a nearby cabinet. PO Garcia pulled § 87(2)(b) away from the cabinet by grabbing her at both shoulders, pushing her against the ground, and holding her there (**Board Review 03**). § 87(2)(b) attempted to kick the officers away from her. PO Reynolds held her legs down by sitting on them and holding them down (**Board Review 04**). The officers then immediately placed her in handcuffs. No additional force was used.

Patrol Guide Procedure 221-01 (Board Review 05). Force is permissible when an individual is actively resisting in attempt to evade arrest. Officers may use the amount of force necessary to gain control of the individual.

§ 87(2)(g)

Allegation (C) Discourtesy: Police Officer Erick Garcia spoke discourteously to

§ 87(2)(b)

Allegation (D) Offensive language: Police Officer Erick Garcia made remarks to

§ 87(2)(b)

based upon her gender.

§ 87(2)(b) stated that as the officers were escorting § 87(2)(b) from the apartment, she told the officers that they mistreated her daughter. In response, PO Garcia said, “Fuck you, bitch” (**Board Review 02**).

As noted above, § 87(2)(b) did not cooperate with the investigation.

PO Garcia denied saying and PO Reynolds denied hearing PO Garcia say, “Fuck you, bitch,” to § 87(2)(b) at any point (**Board Review 03**) (**Board Review 04**).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 06**).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 07**).
- PO Garcia has been a member-of-service for six years and has been a subject in one other CCRB complaint and one allegation, none of which were substantiated § 87(2)(g)
- PO Reynolds has been a member-of-service for three years and this is the first CCRB complaint to which she has been a subject.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation,
- As of April 27, 2020, the New York City Comptroller’s Office has no record of a Notice of Claim being filed in regards to this complaint (**Board Review 10**).

• [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 09

Investigator:	<u>Wassim Abedrabbo</u>	<u>SI Wassim Abedrabbo</u>	<u>May 27, 2020</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Monique West</u>	<u>IM Monique West</u>	<u>July 4, 2020</u>
	Signature	Print Title & Name	Date

Reviewer:			
	Signature	Print Title & Name	Date